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10/714,802

11/17/2003

Robert A. Cordery

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12/26/2007

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EXAMINER

PRESTON, JOHN O

ART UNIT

PAPER NUMBER

4143

MAIL DATE

DELIVERY MODE

12/26/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|---------------------------------------|--|
| Office Action Summary | Application No. 10/714,802 | Applicant(s) CORDERY ET AL. | |
| | Examiner JOHN O. PRESTON | Art Unit 4143 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of Claims

1. This action is in reply to the application filed on November 17, 2003.
2. Claims 1-28 are currently pending and have been examined.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 5-7, 9, 10, 12, 15, 20-22, 24, and 25 recite the limitation "sort order priority number".

There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
6. Claims 1-10, and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Funk et al (6,059,185).

Claim 1: With regard to the limitations of:

- *reading information from a check of the plurality of checks*, Funk, in at least column 3, lines 48-50 discloses a reader that reads checking account information from a check.

- *obtaining a sort priority order number for the check from a database using at least a portion of the information read from the check*, Funk, in at least column 3, line 60 to column 4, line 7 discloses a document identification number (DIN) located in the DIN database that is automatically generated for each processed check and may be composed of a combination of all or some of the transaction data.
- *sorting the check based on the sort order priority number obtained from the database*, Funk, in at least column 1, lines 45-50 discloses checks being sorted by bank or other designation according to transit and routing information.
- *repeating the reading, obtaining and sorting steps for each of the plurality of checks*, Funk, in at least column 1, lines 10-60 discloses a check processing procedure that involves multiple repetitive steps including reading, obtaining, and sorting.

Claim 2: Funk discloses the limitations as shown in the rejection of Claim 1 above. With regard to the limitation of *reading a routing number from the check*, Funk, in at least column 3, lines 45-55 discloses a reader that reads routing information on the check.

Claim 3: Funk discloses the limitations as shown in the rejection of Claim 1 above. With regard to the limitation of *reading an account number from the check*, Funk, in at least column 3, lines 50-55 discloses a checking account number being read from a check.

- Claim 4:** Funk discloses the limitations as shown in the rejection of Claim 1 above. With regard to the limitation of *reading a check number from the check*, Funk, in at least column 3, lines 50-55 discloses a check number being read from a check.
- Claim 5:** Funk discloses the limitations as shown in the rejection of Claim 1 above. With regard to the limitation of *the sort order priority number is based on a delivery destination for a statement associated with the check*, Funk, in at least column 4, lines 1-10 discloses a document identification number that may be composed of the branch number of the bank or some other transaction data.
- Claim 6:** Funk discloses the limitations as shown in the rejection of Claim 1 above. With regard to the limitation of *the sort order priority number is based on a type of account associated with the check*, Funk, in at least column 4, lines 1-10 discloses a document identification number that may be composed of a combination of all or some of the transaction data. Transaction data may include the type of account associated with the check.
- Claim 7:** Funk discloses the limitations as shown in the rejection of Claim 1 above. With regard to the limitation of *the sort order priority number is based on processing of the check*, Funk, in at least column 4, lines 1-10 discloses a document identification number that may be composed of a document sequence number.
- Claim 8:** Funk discloses the limitations as shown in the rejection of Claim 7 above. With regard to the limitation of *wherein processing of the check includes whether or not the check will be included with a statement associated with the check*, Funk, in at least column 4, lines 45-65 discloses a process of sorting checks to be submitted with a statement associated with the check.

Claim 9: Funk discloses the limitations as shown in the rejection of Claim 1 above. With regard to the limitation of *wherein the sort order priority number is based on an amount of the check*, Funk, in at least column 4, lines 1-10 discloses a document identification number that may be composed of a combination of all or some of the transaction data. Transaction data may include the amount of the check.

Claim 10: Funk discloses the limitations as shown in the rejection of Claim 1 above. With regard to the limitation of *wherein the sort order priority number is based on a payee of the check*, Funk, in at least column 4, lines 1-10 discloses a document identification number that may be composed of a combination of all or some of the transaction data. Transaction data may include a payee of the check.

Claim 13: Funk discloses the limitations as shown in the rejection of Claim 1 above. With regard to the limitation of *using at least a portion of the information read from the check as a pointer to obtain the sort priority order number for the check*, Funk further discloses in at least column 3, line 60 to column 4, line 5 a document identification number that may be comprised of information read from the check.

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application

filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 15 and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Cahill et al (6,574,377).

Claim 15: With regard to the limitations of:

- *a scanner module to read information from a check, (see Cahill, Fig. 3, Items 204, 205, and 206).*
- *a controller coupled to the scanner, the controller receiving the information read from the check by the scanner, (see Cahill, Fig. 3, Item 201)*
- *a database coupled to the controller, the database storing sort priority order numbers for the plurality of checks,(see Cahill, Fig. 3, Item 202)*
- *the controller obtaining the sort priority order number for the check from the database using at least a portion of the information read from the check, (see Cahill, Fig. 3, Item 201).*
- *a sorter coupled to the controller (see Cahill Fig. 3, Item 200), the sorter receiving the check from the scanner and placing the check into one of a plurality of bins based on the sort order priority number obtained from the database, Cahill, in at least column 12, lines 50-54 discloses a sorter that sorts checks to one of a plurality of pockets. Cahill, in at least column 18, lines 18-25, further discloses checks being sorted by the sorter based on the information read from the check.*

Claim 16: Cahill discloses the limitations as shown in the rejection of Claim 15 above. With regard to the limitation of *wherein the controller is integral with the sorter*, Cahill, in at least column 12, lines 45-55, further discloses a sort station that includes a sorting machine and a controller.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Funk as applied to claim 1 above, and further in view of Holm (3,949,363).

Funk discloses the limitations as shown in the rejection of Claim 1 above. Funk does not disclose the following limitations, but Holm, as shown, does:

- *placing the plurality of checks in a feeder* (see at least column 2, lines 53-55: a document feeder where checks are placed).
- *separating the check from the plurality of checks* (see at least column 2, lines 55-58: checks are moved serially in an uninterrupted line).
- *scanning the check to read the information* (see at least column 2, lines 55-58: checks are moved through a read module).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the check sorting method of Funk with the scanning technique of Holm because it greatly reduces the error rate and increases the efficiency involved with reading information from checks when they are placed in a feeder and scanned individually.

11. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Funk as applied to claim 1 above, and further in view of Cahill (6,574,377).

Funk discloses the limitations as shown in the rejection of Claim 1 above. Funk does not disclose the limitation of *placing the check in an appropriate bin based on the sort order priority number*. However, Cahill, in at least Column 14, Lines 8-11, discloses checks being sorted based on information read from the check and deposited into pockets. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the check sorting method of Funk with the sort technique of Cahill because it creates a more efficient method of handling the checks.

- 12.** Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Funk as applied to claim 1 above, and further in view of Green.

Funk discloses the limitations as shown in the rejection of Claim 1 above. Funk does not disclose the limitation of *wherein the plurality of checks include separators*. However, Green, in at least Column 10, Lines 43-60, discloses the use of separators with sorted checks. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the sorting method of Funk with the use of separators by Green because the use of separator makes the sorting process more efficient and error-free.

- 13.** Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cahill as applied to claim 15 above, and further in view of Funk.

Cahill discloses the limitations as shown in the rejection of Claim 15 above. Cahill does not disclose the limitation of *wherein the information read from the check includes a routing number*. However, Funk, in at least Column 3, Lines 50-55, discloses routing information being read from a check. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the check sorting method of Cahill with the use of routing information by Funk because using routing information found on a check is an efficient and cost-effective means of processing checks.

- 14.** Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cahill as applied to claim 15 above, and further in view of Funk.

Cahill discloses the limitations as shown in the rejection of Claim 15 above. Cahill does not disclose the limitation of *wherein the information read from the check includes an account number*. However, Funk, in at least Column 3, Lines 50-56, discloses a checking account number being read from a check. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the method of Cahill with the technique of Funk because using checking account numbers to process checks is an efficient method for tracking checks.

- 15.** Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cahill as applied to claim 15 above, and further in view of Funk.

Cahill discloses the limitations as shown in the rejection of Claim 15 above. Cahill does not disclose the limitation of *wherein the information read from the check includes a check number*. However, Funk, in at least Column 1, Lines 40-50, discloses a check number being included as the information read from a check. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the check sorting method of Cahill with the use of check numbers by Funk because the use of check numbers to process checks is an efficient method for tracking checks.

- 16.** Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cahill as applied to claim 15 above, and further in view of Funk.

Cahill discloses the limitations as shown in the rejection of Claim 15 above. Cahill does not disclose the limitation of *wherein the sort order priority number is based on a delivery destination for a statement, associated with the check*. However, Funk, in at least Column 4, Lines 58-61, discloses sorting by destination checks to be submitted with statements. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the check sorting

method of Cahill with the technique of Funk because sorting checks by the destination of statements associated with them is an efficient method for tracking checks.

17. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cahill as applied to claim 15 above, and further in view of Funk.

Cahill discloses the limitations as shown in the rejection of Claim 15 above. Cahill does not disclose the limitation of *wherein the sort order priority number is based on a type of account associated with the check*. However, Funk, in at least Column 3, Lines 65-67 and Column 4, Lines 1-7 discloses a document identification number that may be composed of a combination of all or some of the transaction data. The type of account associated with a check qualifies as transaction data. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the check sorting method of Cahill with the classification technique of Funk because classifying checks based on the type of account associated with the check improves the utility and efficiency of the accounting process.

18. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cahill as applied to claim 15 above, and further in view of Funk.

Cahill discloses the limitations as shown in the rejection of Claim 15 above. Cahill does not disclose the limitation of *wherein the sort order priority number is based on processing of the check*. However, Funk, in at least Column 3, Lines 60-67 and Column 4, Lines 1-7 discloses a document identification number that may be based on a document sequence number. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the check sorting method of Cahill with the classification technique of Funk because using a classification system that is based on the processing of the check itself is an efficient method for tracking checks.

- 19.** Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cahill as applied to claim 22 above, and further in view of Funk.

Cahill discloses the limitations as shown in the rejection of Claim 22 above. Cahill does not disclose the limitation of *wherein processing of the check includes whether or not the check will be included with a statement associated with the check*. However, Funk, in at least Column 4, Lines 58-62, discloses the process of sorting checks to be submitted with a statement. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the check sorting method of Cahill with the processing technique of Funk because processing a check based on its submission with an associated statement is an efficient method of ensuring the accuracy of the accounting process.

- 20.** Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cahill as applied to claim 15 above, and further in view of Funk.

Cahill discloses the limitations as shown in the rejection of Claim 15 above. Cahill does not disclose the limitation of *wherein the sort order priority number is based on an amount of the check*. However, Funk, in at least Column 3, Lines 58-76 and Column 4, Lines 1-10, discloses a document identification number that may be composed of a combination of all or some of the transaction data. The amount of a check qualifies as transaction data. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the check sorting method of Cahill with the classification technique of Funk because processing checks based on the check amount is an efficient method for tracking checks.

- 21.** Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cahill as applied to claim 15 above, and further in view of Funk.

Cahill discloses the limitations as shown in the rejection of Claim 15 above. Cahill does not disclose the limitation of *wherein the sort order priority number is based on a payee of the check*. However, Funk, in at least Column 3, Lines 63-67 and Column 4, Lines 1-7 discloses a document

identification number that may be composed of a combination of all or some of the transaction data. The payee of the check qualifies as transaction data. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the check sorting method of Cahill with the classification technique of Funk because using the payee of the check as a descriptive identifier for each processed check adds utility and efficiency to the accounting process.

- 22.** Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cahill as applied to claim 15 above, and further in view of Haas (4,088,982).

Cahill discloses the limitations as shown in the rejection of Claim 15 above. Cahill does not disclose the limitation of *a feeder module coupled to the scanner module, the feeder module receiving the plurality of checks and feeding the plurality of checks seriatim to the scanner module*. However, Haas (Column 3, Lines 35-36) discloses "A feeder holds a stack of checks and feeds them serially to an error-indicating character reader...". It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the check sorting method of Cahill with the input technique of Haas because incorporating a feeder helps to automate the check sorting process and make it more efficient.

- 23.** Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cahill as applied to claim 15 above, and further in view of Milford (4,315,246).

Cahill discloses the limitations as shown in the rejection of Claim 15 above. Cahill does not disclose the limitation of *wherein the scanner module is a magnetic ink character recognition scanner*. However, Milford (Column 1, Lines 7-15) discloses a character recognition system that employs magnetic ink character recognition. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the check sorting method of Cahill with the character recognition technique of Milford because it is common practice to use magnetic ink character recognition readers to process checks.

- 24.** Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cahill as applied to claim 15 above, and further in view of Milford (4,315,246).

Cahill discloses the limitations as shown in the rejection of Claim 15 above. Cahill does not disclose the limitation of *wherein the scanner module is an optical character recognition scanner*. However, Haas (Column 1, Lines 7-15) discloses a character recognition system that employs optical character recognition. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the check sorting method of Cahill with the character recognition technique of Haas because it is common practice to use optical character recognition readers to process checks.

Conclusion

Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the Examiner should be directed to **John Preston** whose telephone number is **571.270.3918**. The Examiner can normally be reached on Monday-Friday, 9:30am-5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, **JAMES REAGAN** can be reached at **571.272.6710**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair> <<http://pair-direct.uspto.gov>>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866.217.9197** (toll-free).

Any response to this action should be mailed to:

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/John O Preston/Examiner, Art Unit 4143

December 19, 2007

/James A. Reagan/Supervisory Patent Examiner, Art Unit 4143